



# Hackney Carriage & Private Hire

## Knowledge Test Information

### Information about the Local Knowledge Test

Please refer to your acknowledgement email to ensure you arrive on the right day at the right time. This written assessment is held at the Municipal Offices, Promenade, Cheltenham, GL50 9SA.

**If you are late you will not be permitted to take the test and may forfeit your test fee.**

The duration of the test will vary depending on the type of test you are taking:

- Private Hire test: 1 hour
- Hackney Carriage test: 1 hour 15 minutes

You are not permitted to use any document for reference and must switch off all mobile devices during the test. **Any attempt to cheat will result in an immediate forfeiture and will count as an automatic failure.**

You must bring photographic identification with you either a passport or DVLA driver's licence photocard.

You will forfeit your test fee if you fail to attend.

If you fail the test you are permitted to take it again, but you will be required to pay the retest fee. You can find information about the test fees on the council's website at [www.cheltenham.gov.uk/licensing](http://www.cheltenham.gov.uk/licensing).

The test is in 3 sections and you will be required to score at least 80% in each section to be successful. However you must obtain 100% in the compulsory questions (section 1) or you will fail the whole test.

### **Part 1 – Law & Conditions**

In part one you will be asked five questions and you must answer them all correctly. Should you fail to answer any of these 5 questions correctly then you will automatically fail the test.

### **Part 2 – General Questions**

In part two, from the list of questions, private hire applicants will be asked 10 questions of which 8 must be answered correctly. For hackney carriage driver applicants there will be 20 questions of which 16 must be answered correctly.

**Attached to this document is an information sheet entitled “*General information on the law and conditions relating to Hackney Carriages & Private Hire Vehicles*”. The questions for Parts 1 & 2 of the test will be taken from the information sheet and the presentation day, so it is important that you study the sheet thoroughly.**

### **Part 3 – Knowledge of the Borough**

In part three you will be required to demonstrate that you have a good knowledge of Cheltenham Borough by identifying *the name of the road or street* in which a place of interest is located within the Borough.

**For example, the test will ask you to give the name of the road or street in which the Municipal Offices are located, the answer to which will either be the Promenade or Royal Well Road.**

**The knowledge of the borough will include schools, tourist attractions, bars / clubs / pubs / hotels etc., places of interest / importance, and educational / health / social institutions.**

Private Hire applicants will be required to answer correctly *8 out of 10* questions and Hackney carriage applicants will be required to answer correctly *40 out of 50* questions.

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## **General information on the law and conditions relating to Hackney Carriages and Private Hire Vehicles**

*In this document reference is made to the law under which taxi and private hire drivers are licenced. They are:*

LG(MP)A, which is the “*Local Government (Miscellaneous Provisions) Act 1976*” TPCA, which is the “*Town Police Clauses Act 1847*”

### **Drivers of licensed vehicles must be licensed**

Once a vehicle is licensed as a private hire vehicle, every driver of that vehicle, whether it is used for business or pleasure, must possess a current private hire driver’s licence (Private Hire - Section 46(1)(b) LG(MP)A 1976). The driver of a Hackney Carriage vehicle must possess a licence to drive a hackney Carriage vehicle but may also drive a private hire vehicle on that licence (Hackney Carriage Section 46 TPCA 1847).

### **Maximum age of vehicle when first licensed**

When applying for an initial licence for a hackney carriage or private hire vehicle, the vehicle must be less than 5 years old from date of manufacture.

### **Production of licences**

Licence holders must produce their licences to an authorised officer or police constable if requested to do so (Sections 50, 53 & 56 LG(MP)A 1976).

### **Change of Address**

The driver shall notify the Licensing Authority in writing within 7 days of any change of his/her address or telephone number whether of a permanent or temporary nature.

### **Maintenance of vehicles**

The driver shall at all times maintain his/her vehicle in a roadworthy and clean condition both internally and externally.

### **Insurance**

All licensed vehicles must be insured at all times to the correct level of cover for private hire or hackney carriage business. The current certificate of insurance must be carried in the vehicle at all times. Weekly / pay-as-you-go insurance policies are not acceptable.

### **Material changes to vehicles**

Vehicles shall comply with all statutory provisions relating to the construction and use of motor vehicles including those contained in the Motor Vehicles (Construction & Use) Regulations 1986. Therefore any material alterations or changes in specification, design, condition or appearance, including conversion of a vehicle to be wheelchair accessible, shall not be made without the written approval of the Licensing Authority, whilst the licence is in effect.

### **Accidents and damage to vehicles**

Accidents causing damage to vehicles, which materially affect the safety, performance or appearance of the vehicle must be reported to the Council immediately and in any case within 72 hours (Section 50 LG (MP)A 1976).

### **Defective tyre(s)**

When driving or inspecting a private hire or hackney carriage vehicle it is found to have a defective tyre(s) the matter should immediately be reported to the owner and the vehicle taken off the road until a new tyre has been fitted.

### **Identification of plates on vehicles**

A licensed vehicle must display the plate issued by the Council on the rear exterior of the vehicle at all times and in such a manner as to be easily removable by an authorised officer of the Council or a police constable. It shall be maintained in good condition and clearly visible (Section 48 LG(MP)A 1976).

The plate need not be displayed on a licensed vehicle which is a stretched limousine/special events vehicles. The requirement for the licence plate to be affixed to the rear of the vehicle may be waived upon application in writing to the Licensing Authority.

The vehicle licence plate is the property of the Council, therefore on revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within seven days (Section 58 LG(MP)A 1976).

### **Vehicle insurance**

Before a vehicle licence can be issued a current certificate of insurance or cover note relating to the proposed use of the vehicle must be produced (Section 48 LG (MP)A 1976).

A certificate or cover note must be produced on demand to an authorised officer (Section 50(4) LG(MP)A 1976).

### **Advance booking**

Private Hire vehicles can only be used for journeys that have been pre-booked through a licensed Private Hire Operator. 'Advanced Booking Only' signs shall be affixed to the rear offside and nearside windows of all licensed Private Hire vehicles.

### **Bus lanes**

Cheltenham's designated bus lanes may be used by Hackney Carriage vehicles licensed by Cheltenham Borough Council. Private Hire vehicles licensed by Cheltenham Borough Council may use the bus lanes if displaying the Council's approved bus lane stickers.

### **Vehicle safety equipment**

A fire extinguisher to British Standard must be kept in a secure and accessible position either inside the vehicle or in the boot of the vehicle providing a label is clearly displayed on the dashboard giving its location.

A first aid kit must be kept in an accessible position either inside the vehicle or in the boot of the vehicle providing a label is clearly displayed on the dashboard giving its location.

### **Suspension and revocation of vehicle licences**

The Council may suspend, revoke or refuse to renew a licence on the following grounds: -

- a) The vehicle is unfit.
- b) The commission of an offence under the LG(MP)A 1976, or
- c) Any other reasonable cause (Section 60 LG(MP)A 1976)

A licence may be suspended by an authorised officer or police constable if he considers the vehicle unfit (Section 68 LG(MP)A 1976).

### **Testing of vehicles – Fitness Test**

All vehicles must be tested and inspected before a licence can be issued to ensure that they are mechanically fit, safe, comfortable and of good appearance (Section 48 LG(MP)A 1976).

An authorised officer or police constable has power to inspect and test any licensed vehicle at any reasonable time (Section 68 LG(MP)A 1976).

### **Transfer of ownership of vehicles**

Where the ownership of a licensed vehicle is transferred the Council must be informed of the transfer by the person listed by the Council as the owner, in writing within 14 days of the transfer, stating the name and address of the new owner (Section 49 LG(MP)A 1976).

### **Drivers of licensed vehicles must be licensed**

Once a vehicle is licensed as a hackney carriage or private hire car, every driver of that vehicle, whether it be used for business or pleasure, must possess a current private hire or Hackney Carriage driver's licence issued by the same Council that has licensed the vehicle.

### **Refusal of a fare**

Licensed drivers must not refuse a fare unless they have reasonable cause to do so.

### **Driver licences**

Every driver of a private hire or Hackney Carriage vehicle must be licensed by the Borough Council (Section 46 LG (MP)A 1976). A Council cannot grant a licence unless it is satisfied that the applicant: (Sections 51&57 LG(MP)A 1976) -

- a) Is a 'fit and proper person'

- b) Has held a full UK driving licence for motor cars for at least 12 months and
- c) Is medically fit to drive a private hire or hackney Carriage vehicle.

### **Unlicensed drivers**

It is an offence to employ an unlicensed driver.

### **Suspension and revocation of driver licences**

The Council may suspend or revoke or refuse to renew any licence on the following grounds: (Section 61 LG(MP)A 1976) -

- a) The commission of an offence involving dishonesty, indecency or violence;
- b) The commission of an offence under LG(MP)A 1976; or
- c) Any other reasonable cause.

The driver's licence will be supplied by the Licensing Authority for a prescribed fee and a new licence will be issued every 3 years

### **Driver's badges**

All drivers must wear the badge provided in a position so as to be plainly visible (Section 54 LG(MP)A 1976).

The badge need not be worn if: -

- a) The vehicle is being used in connection with a wedding or funeral;
- b) The vehicle is carrying written permission by the Council that the plate need not be carried (Section 75 LG(MP)A 1976).

The badge remains the property of the Licensing Authority and should be returned at the expiry of the drivers' licence. On revocation or suspension of the driver licence, the badge must be returned to the Council on demand (Section 61 LG(MP)A 1976).

It is an offence to drive a licensed vehicle without wearing the badge issued by the Licensing Authority, therefore any loss must be reported to the Licensing Authority and a replacement badge obtained (Section 54(2)(a) LG(MP)A 1976).

### **Photographic identity card**

All drivers will be issued with 2 driver badges detailing the licence number, expiry date and a photograph of the licence holder. One badge must be worn at all times when the driver is working and be clearly visible and the other must be displayed in the vehicle.

### **Conduct of Driver**

The driver shall not drink or eat whilst carrying fare-paying passengers in the vehicle or play any sound reproducing instrument or equipment in the vehicle, which would constitute a nuisance to the passenger, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

The driver shall give all reasonable assistance with passengers' luggage in loading or unloading and/or in removing it to or from the entrance of any building, station or place which he may take up or set down the hirer.

### **Appeals**

A decision by the Council to refuse a licence can be appealed against. Appeals must be made in writing to the Magistrates' Court within 21 days of receiving the decision in writing.

### **Obstruction of authorised officers.**

Any person who wilfully obstructs an authorised officer or police officer by withholding assistance or information, without reasonable cause, is guilty of an offence. (Section 73 LG(MP)A 1976)

### **Persons to be carried**

The maximum number of persons who may be lawfully carried in a hackney carriage or private hire vehicle (excluding the driver) is the number stated on the licence applicable to the vehicle.

A hackney carriage or private hire driver cannot charge a disabled person any extra because that person has a disability.

The driver of a private hire vehicle shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

### **Punctuality**

The driver of a vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause. If the vehicle is to be delayed every effort should be made to contact the passenger and inform them of the reason for the delay. In addition, if the passenger is not immediately available the driver shall make all reasonable efforts to contact that passenger.

### **Prolongation of journey (Section 69 LG(MP)A 1976)**

A driver must proceed by the shortest route, subject to the instructions of the hirer.

### **Sounding the horn**

The Highway Code and Regulation 99 Road Vehicles (Construction and Use) Regulations 1986 state: "The Horn - Use only when your vehicle is moving and you need to warn other road users of your presence. Never sound your horn aggressively." You must not use your horn:

- a) While stationary on a road and
- b) When driving in a built-up area between the hours 11:30pm and 7:00am except when another vehicle poses a danger.

### **Receipts**

The driver shall, if requested by the hirer of a vehicle, provide him/her with a written receipt for the fare paid.

### **Lost property**

The driver shall, after the termination of any hiring of a vehicle or as soon as is reasonably practical thereafter, carefully search the vehicle for any property which may have accidentally been left there. Any lost property shall be handed in to the Police as is soon as is reasonably practical.

### **Dogs (and Assistance Dogs)**

The driver shall not convey in a vehicle whilst carrying a fare paying passenger any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle.

Any dog belonging to, or in the custody of, any passenger should remain with that passenger. The carrying of such a dog is at driver's discretion. In respect of 'assistance dogs' accompanying visually impaired passengers, those with a hearing difficulty, or any other disability, extremely good cause must be evidenced (i.e. medical condition) before refusing to carry such an assistance dog. An assistance dog is defined in the Disability Discrimination Act 1995 Regulations as a dog which is trained by specified charities to assist a disabled person with a physical impairment, and which at the time that its owner hires the vehicle is wearing a jacket inscribed with the name of one of those charities.

Where a driver seeks exemption from carrying dogs, he/she must provide medical evidence from a specialist or consultant or a medical practitioner other than the applicant's own General Practitioner. If the exemption is being applied for on the grounds of a chronic phobia of dogs, a psychiatrist or clinical psychologist must provide the report.

### **Smoking**

On July 1st 2007, England introduced a new law to make virtually all enclosed public places and workplaces in England smoke free. A smoke free England ensures a healthier environment, so everyone can socialise, relax, travel, shop and work free from second hand smoke.

Under the smoke free law, all vehicles used for public transport are required to be smoke free at all times. This will mean that a member of the public can be sure that the public transport they use will always be free from hazardous second hand smoke.

The Smoke-free (Exemptions and Vehicles) Regulations 2007: -

11.-(1) Subject to the following paragraphs of this regulation, an enclosed vehicle and any enclosed part of a vehicle is smoke-free if it is used: -

(a) by members of the public or a section of the public (whether or not for reward or hire); or  
The smoke free law applies to all licensed vehicles, therefore such vehicles should remain smoke free at all times, which includes times when the vehicle is not being used for hire. It is the responsibility of the person who is in charge of the vehicle at the time who is responsible for preventing smoking in the vehicle.

### **Specific information on the 'law' relating to Private Hire**

#### **Plying and standing for hire**

Private hire vehicles must not pick up passengers without a prior booking made by the hirer direct with the operator for which the vehicle works. To do otherwise is an offence and may also invalidate the insurance cover (Section 45 TPCA).

The driver of a private hire vehicle shall not park on, drop off or pick up at any hackney carriage rank for any reason during the operation times of such rank.

**Charging separate fares** The practice of 'doubling up' of passengers and charging separately is illegal except in the following circumstances: -

- a) All the passengers carried on the occasion in question booked their journeys in advance; and
- b) Each of them consented, when booking his journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11 TA).

Note that separate fare agreements must be made at the time of booking with the operator, not the driver, owner of the vehicle or anyone else.

#### **Responsibility for hirings**

Every hiring of a private hire car is deemed to have been made with the operator who accepted the booking, whether or not he himself provided the vehicle (Section 56 LG(MP)A 1976). Operators are therefore directly responsible for the actions or omissions of drivers or proprietors used by them and must therefore ensure that all vehicles and drivers are licensed and insured.

### **Operator's licences**

Every operator of private hire cars must be licensed by the District Council (Section 46 LG(MP)A 1976. A District Council cannot grant a licence unless it is satisfied that the applicant is a 'fit and proper person' (Section 55 LG MP)A 1976).

A licence cannot be issued for a period exceeding five years. Cheltenham Borough Council's policy is that operator's licences are issued every year (Section 55(2) LG MP)A 1976).

### **Operator signage**

In the interests of public safety and to give confidence to the public the Operator shall ensure that the company logo is appended to the front nearside and offside doors of all vehicles operated by him/her.

### **Suspension and revocation of operator licences**

The Council may suspend or revoke or refuse to renew a licence on the following grounds: -

- a) The commission of an offence under the LG(MP)A 1976;
- b) Unbefitting conduct of the operator;
- c) Any material change in the operator's circumstances: or
- d) Any other reasonable cause (section 62 LG(MP)A 1976)

### **Funeral cars**

Vehicles used wholly or mainly for funerals by a funeral director do not need to be licensed for private hire work.

### **Wedding cars**

Vehicles used solely for weddings need not be licensed as private hire vehicles

### **Taximeters in vehicles**

A private hire car is not required to fit a taximeter, but if such a meter is fitted, it must be tested and approved (Section 71 LG(MP)A 1976).

### **Type of vehicle**

Private hire vehicles shall not resemble a London type taxi. All vehicles, including mini-buses:

- a) Shall be of sufficient capacity to carry at least four and no more than eight passengers in addition to the driver
- b) Be right hand drive. (Except limousines)
- c) Have at least four doors.
- d) Road wheels must be fitted with the manufacturer's tyre type and size.
- e) A spare tyre of the same size as fitted to the road wheels and a jack and wheel brace must be carried where applicable. (Where the spare wheel is removed to facilitate the fitting of a liquefied petroleum gas (LPG) tank by an authorized LPGA authorised agent then a pressurised foam repair kit shall be carried in lieu of the spare wheel, jack & wheel brace).
- f) A watertight permanent roof – a factory fitted sunroof is permitted.
- g) Nearside & offside rear view mirrors.
- h) Sufficient means to enable a passenger to communicate with the driver.
- i) A fully serviced fire extinguisher that complies to British Standard
- j) An approved First Aid Kit.
- k) Be clean and smart internally and externally.
- l) Proper carpet, mat or other suitable floor covering

The above list is not exhaustive and you should refer to the Cheltenham Borough Council's Policy and Conditions on Vehicle's Drivers and Operators for additional requirements.



## **Vehicle licences**

Every vehicle used for private hire purposes must be licensed by the Borough Council (Section 46 LG(MP)A 1976). The Council cannot grant a licence unless it is satisfied the vehicle is: -

- a) Suitable in type, size and design for such use
- b) Does not resemble or appear to be a hackney carriage
- c) In a suitable mechanical condition
- d) Safe and comfortable; and
- e) Insured for hackney carriage / private hire use (Section 48 LG(MP)A 1976).

## **Wearing seatbelts**

- a) Hackney Carriage vehicle drivers are exempt from wearing seatbelts (under Motor Vehicles (Wearing of Seatbelts) Regulations 1993) when seeking hire, or answering a call for hire, or carrying a passenger for hire. It should also be borne in mind that should a child under 14 be a passenger in the vehicle then it is the driver's responsibility to ensure that the child is wearing a seatbelt.
- b) Private hire vehicle drivers are exempt from wearing seatbelts (under Motor Vehicles (Wearing of Seatbelts) Regulations 1993) when a fare-paying passenger is in the vehicle and not at any other time. It should also be borne in mind that should a child under 14 be a passenger in the vehicle then it is the driver's responsibility to ensure that the child is wearing a seatbelt.

## **Specific information on the law and conditions relating to Hackney Carriages**

### **Plying and standing for hire**

Licensed hackney carriages may ply for hire on any street within the Cheltenham Borough Area. They may only stand for hire on the appointed taxi stands (Section 38 TPCA). To ply for hire outside the boundaries of this Borough is an offence (Section 45 TPCA).

### **Trailers**

Trailers can be used in connection with Hackney Carriages and Private Hire bookings but cannot be used for plying for hire on a rank. Their use must be with the consent of the Council and the trailer must have been tested for safety standards.

**Charging separate fares** The practice of 'doubling up' of passengers and charging separately is illegal except in the following circumstances: -

The driver, proprietor or any other person must not organise people to share a vehicle whilst the vehicle is plying for hire on the streets or standing for hire at a rank. Only prospective passengers may agree amongst themselves to share and then approach the driver or proprietor with the request, AND;

If the journey begins and ends in the Cheltenham Borough the taxi meter must be used to determine the fare, and the fare charged in total must not exceed that finally displayed on the meter, OR,

If the journey begins or ends outside the Cheltenham Borough Area the charge is negotiable. If no negotiations have taken place then the meter must be used and no more fare than that recorded on it must be charged in total.

The amount of each separate fare must not in total exceed that which would normally be charged for the journey if it had been one fare. The driver is not in a position to decide what to

charge each passenger. The passengers themselves must apportion the fare between themselves (Part 1 of Schedule 1 TA 1980), OR

All the passengers carried on the occasion in question booked their journeys in advance; and each of them consented, when booking his journey to sharing the use on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11, TA 1985).

### **Fares**

In the following paragraphs "the district" means the whole of the Borough of Cheltenham

### **Journeys which begin and end within the district**

For every such journey the taximeter must be engaged at the commencement of the journey and no more than is displayed on the meter can be charged.

### **Other journeys**

For journeys other than those above the fare is negotiable with the hirer, BUT if no negotiation is entered into, no fare greater than that displayed on the meter can be charged.

### **Hackney carriage used for private hire purposes**

No hackney carriage shall be used in the district under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the byelaws and when any such hackney carriage is so used, the fare or charge shall be calculated from the point in the district at which the hirer commences his journey. (Section 67 LG(MP)A 1976)

Note: Whatever type of journey is being undertaken, the taximeter must be in operation during the hiring even if the fare has been negotiated.

### **Passengers**

The driver must not convey any other person other than with the consent of the hirer (Section 59TPCA).

### **Advertisements on vehicles (Hackney Carriages only)**

Any advertisement placed on a saloon vehicle shall be limited to the doors/side of the vehicle. London type or purpose built taxis may carry 'all over' advertising. Written consent from the Licensing Authority must be obtained prior to any advertising being placed on a vehicle.

### **Retention of driver licences**

A vehicle proprietor must retain in his possession, the driver licences issued by the Council, of all drivers driving his vehicle(s) (Section 48 TPCA).

### **Vehicle licences**

Every vehicle used as a hackney carriage must be licensed by the District Council (Section 37 TPCA). A licence cannot be issued for a period exceeding a year (Section 43 TPCA).

### **Touting for Hire**

The Criminal Justice Act and Public Order Act 1994 make it an offence in a public place to solicit person(s) to hire vehicles to carry passengers.